

The Builder.

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THE importance which we attach to all matters relating to the drainage of towns, and a consideration of the large powers taken by the new Act, obtained by the Westminster Commission of Sewers, lead us to give our readers the official analysis of this law in full, and to offer some few observations on the subject.

For a long series of years the Westminster Commission pursued a most mistaken course: ignorance (the ignorance of the time, if they please), is apparent in the greater part of their proceedings, and one error was acknowledged and superseded only to make room for another. Their measures for some years appear to have been positively obstructive of good. Impediments, wittingly or unwittingly, were thrown in the way of efficient drainage, and the most arbitrary measures were taken, to enforce compliance with the Wrong which they had set up as the Right. Men were fined heavily for endeavouring to rid themselves of the soil and hurtful impurities, and all were compelled, even where sewers existed, to form, on their premises, a fever and pest depot, in the shape of a cess-pool, and retain therein the elements of disease and death. The worst possible shape of sewers has been insisted on, and by this and the not merely uselessly, but injuriously large size required, the cost was made so enormous as to throw great obstacles in the way of forming new sewers, and in many cases to amount to a total prohibition of all drainage whatever. Thousands of pounds were thus wasted, as well as much good prevented.

Even till very lately, erroneous views reigned in Greek-street, and were defended "to the death:" grave charges were urged against the commission, and their dissolution at one particular moment, seemed more than probable.

Leaving this, however;—until recently, the commission seem never to have considered that they were a sanitary board; and when that knowledge did break upon them, they found, and always pleaded in reply to objectors, that their powers were too limited to enable them to act in that respect efficiently. Steps were ultimately taken to increase these powers, and the result is the Act in question, whereof the provisions may be thus stated:—

The commission is to endure for ten years, notwithstanding demise of the Crown, unless repealed.

The orders of the court remain in force until repealed, without any other entry than in the ordinary books registered by the clerk.

A presentment to repair shall not be necessary on each occasion.

The Act has clearly defined the right of the court to pay their officers—to pay expense of witnesses, expense of surveying, planning, and all expenses of working the commission.

The court may agree for the purchase of lands for works and sewers, and all persons under disabilities are empowered to convey, but the commissioners cannot compulsorily take land.

Several defaults may be included in one presentment, and be separately traversed.

All property connected with the commission is declared to be vested in the commissioners.

A summary remedy is given to compel officers of the court to deliver accounts, books, and property.

Possession may be summarily taken of property detained by officers.

Security may be taken from officers.

Fines and forfeitures are not to be created into the Exchequer, but are to be levied by the commis-

sioners and applied to the purposes of the commission.

The court may compel parties to pay the expenses of putting in force the orders of the commissioners.

Actions and proceedings may be commenced by or against the clerk as representing the commissioners, but they and the clerk are to be reimbursed, and the clerk may be a witness.

The commissioners may exercise jurisdiction over all places named in the commission, whether the tide ebb or flow there or not; but the commissioners are not compellable to exercise jurisdiction at once if not thought necessary.

No house is hereafter to be built within the jurisdiction of the commissioners unless a sewer be first built as the court shall order; and the sewer is to communicate with such other sewer as the court shall order; but if there be a sewer already near enough, then, instead of a new sewer, a drain may be made into the existing sewer. The expense is to be borne by the owner; but the court may relieve him, in the case of a sewer only, where it may seem just to throw a portion of the cost on the district; and the court may impose a fine on parties contravening the Act.

The Act provides, that no individual shall be required to pay more than after the rate of 20s. per foot for the sewer, according to his frontages; and where a house is wholly unconnected with a public sewer, and at a distance of not less than 200 feet from any public road or other house, the party is not required to make such sewer or drain unless a jury shall present it.

In cases of houses already or hereafter to be built, if they are not properly drained, and if there be a proper sewer within 100 feet, the court may order such house to be drained, by the sewer being continued along the frontage thereof, and by making a drain into it. If there be a sewer already in front, then the court may order a drain to be made into the sewer; and the court may order the owner or occupier of the house in this case to pay a portion of the original cost of the sewer, if built within thirty-five years; and if after twenty-eight days' notice parties shall omit to do so, the court may do the work, and recover the expense by distress.

As to building new sewers, the court is empowered to build sewers where none existed, and to arch over sewers, and to have the contents of the sewers sold, and applied for manure, guarding against any nuisance to the public.

The cost of these new sewers, or the arching over, to be borne by the owners of property according to frontage. The court may charge the owners with the payment of the money by five yearly instalments.

The court may relieve owners from a portion of the expense where the immediate neighbourhood would not require so large a sewer as ought to be built with reference to the public wants.

The expense is to be recovered by distress from the owner or occupier.

Tenants may deduct sums they may have paid, i. e., if a tenant for seven years, he may deduct nine-tenths, and so on in proportion up to thirty-five years, when he may deduct one-fifth, beyond thirty-five years nothing. Tenants under renewable leases are to be considered tenants for the whole term they might acquire. Leases on lives to be valued. No special contracts are to be affected.

A tenant from year to year is protected against paying more than the rent due from him, unless he refuse to disclose name and address of landlord.

The court must give notice of making new sewers where none existed before, for twenty-eight days where the estimate shall exceed 3000.

The court may borrow money for works, and charge all property to be benefited with the repayment. The money must be repaid within fourteen years by equal annual or shorter instalments with interest, and the exchequer bill loan commissioners are authorized to lend money.

The court may summon parties to show cause why private grounds are not properly drained. On refusal, a jury may be called out, and the party be ordered to build a sewer, with power to relieve him according to the benefit his building may confer on the district. The court may do the work and levy the expense on the party. Parties are to be exempt from this obligation if their property be at a distance of 200 feet from any public road or houses, unless a jury shall think it expedient to bring it under the operation of the Act.

The commissioners and officers, for view and for their works, may pass over lands, making compensation.

The court may abandon old sewers and make new ones.

The court may abate nuisance from stagnant pools, or any thing likely to prejudice the public health. The offenders are to be summoned; and if they do not remove the nuisance by building a proper sewer or otherwise, a jury may be called out,

who may fine equal to the cost of getting rid of the nuisance and proper works. On default, the court may do the work, and levy the expense on the party failing. A portion of the expense of new works, where beneficial to it, may be thrown on the district.

Notice of making new drains into sewers must be given to the court; the building thereof to be regulated by the court. In default, the court may demolish any drain, and levy the expense.

If the court build the drain, 10s. only may be charged for the first 3 feet and the entry into the sewer.

All drains are to be under the survey of the court and its officers. The owners are to cleanse and repair them; and on failure, if complaint be made, notice may be given by the officer to parties to cleanse and repair. On failure, the court may order it to be done, and then fine the party if he refuse.

The court is empowered to raise or alter walls or banks of streams.

A special court may be summoned by six commissioners out of court in case of emergency.

No commissioner interested in a question is to vote.

The commissioners are protected against personal liability when acting *bona fide*.

The court may rate property without naming the owner, where he is unknown.

The earlier statutes of sewers are to remain in force except where repugnant to this Act.

It will be seen that the powers of the commission are now very great:—all drains, culverts, watercourses, cesspools, and other matters relating to drainage, are put under the control of the commission.

No house is to be built without the previous construction of a sewer, unless at the distance of not less than 200 feet from any public road or other house. Owners of houses already built, if within 100 feet of a proper sewer, may be compelled to continue the sewer; and the commissioners may themselves build sewers where none exist, and recover the cost from the owners of the property abutting thereon by distress, as well as levy fines.

The Act gives the commissioners a discretionary power,—they may, or may not, exercise jurisdiction,—and we would urge upon them the expediency and importance of acting with the greatest care, moderation, and judgment.

They have now the means of doing much good, but they have also the power in their hands of producing great inconvenience and annoyance to individuals, and of raising such an outcry against the law as may tend materially to impede other sanatorial measures. We call upon them, then, to exercise their powers in so careful and tolerant a manner as to prove themselves worthy of the great trust reposed in them; while, at the same time, we would strongly urge on owners and builders, within the limits of the Act, the value of its provisions, and the necessity and general advantage of carrying them out efficiently.

The commissioners must do all in their power to reduce the cost of drainage and improve the mode,—the question both of size and material must again engage their attention, and receive the most serious and intelligent consideration.

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